THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.10913 of 2006

DATED:06.06.2006

Between:

Golla Kenchappa and others.

..Petitioners

And

The Chief Commissioner of Land Administration, Nampalli,
Hyderabad. and others

..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 10913 of 2006

ORDER:

The land in survey No.25-2 admeasuring Acs.43.48 cents of Nanjapuram Village, Bramhasamudram Mandal, Anantapur District, originally belonged to one Thimma Reddy. He filed a declaration under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 ('the Act', for brevity). He was declared to be in surplus, and accordingly surrendered the land in survey No.25-2. After taking possession of the land, the same was assigned to twelve landless poor persons belonging to Scheduled Castes and Backward Classes. Aggrieved by the same, the petitioners filed an appeal before the third respondent. On 25.04.2002, the appeal was dismissed and the assignment in favour of landless poor persons was confirmed. The petitioners were unsuccessful before the revisional authority, namely the first respondent herein. Yet again, they approached the first respondent by way of another appeal. By impugned order, dated 30.09.2005, in Appeal No.BCW.1/101/2003, the first respondent dismissed the appeal. This order is assailed in this Writ Petition.

The learned counsel for the petitioners vehemently contends that all the authorities passed orders without giving proper hearing and opportunity to the petitioners, and therefore, the same is unsustainable. He further submits that the petitioners have been in possession and enjoyment of the land for more than four decades and the original declarant surrendered the land without informing them. He also submits that the proceedings under which the land was declared as surplus and possession was taken are illegal as no notice was issued by the Land Reforms Tribunal or any revenue authority.

There is no dispute that the land originally belonged to Thimma Reddy, who filed a declaration under the Act. There is also no dispute that the land admeasuring Acs.43.48 cents was declared as surplus agricultural land and vested in the Government and that the same was assigned to twelve landless poor persons. As a question of fact, the Revenue Divisional Officer found that the petitioners herein with the connivance of the original declarant Thimma Reddy encroached upon the land forcibly and did not allow the assignees/beneficiaries to enter into the land. This is a strong circumstance, which should deny any relief to the petitioners. The conduct of the petitioners in entering the land, which was assigned to landless poor persons, cannot be appreciated. Further, before the authorities, the petitioners did not place any evidence to show that they were in possession and

enjoyment of the land for more than four decades and that their land was surrendered by the declarant without notice to them. After perusing the orders passed by the first respondent, this Court is convinced that the same is not vitiated by any error requiring correction in these proceedings.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

06.06.2006
GJ